IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	Examiner: Peng, Fred H.
	)	
Gauba, et al.	)	Art Unit: 2426
	)	
Application No. 09/898,600	)	Confirm. No: 1960
	)	
Filed: July 3, 2001	)	
	)	
For: Interactive Decision-Making	)	
Scenarios In An Audio/Video	)	
Broadcast	)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2426, mailed July 7, 2010, in which claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 in the above-identified application were rejected in a final action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the co-assignees of the full interest in the invention: Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no other appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 are pending in the application and were finally rejected in an Office Action mailed June 9, 2010. Claims 3, 6, 17, 20, 30, and 33 were canceled during prosecution. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 are the subject of this appeal. A copy of Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action mailed July 7, 2010.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 is directed to interactive decision making scenarios in an audio/video broadcast [Specification, page 2, lines 1-2].

Independent method claim 1 claims generating an interactive list of content files for presentation to a user based on a profile of said user [Specification, Figure 4, state 406, page 8, lines 20-24]. In addition, independent claim 1 claims that each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file [Specification, Figure 2, page 5, line 29 - page 6, line 6, page 5, lines 14-20]. Furthermore, independent claim 1 claims that each of the plurality of play sequences represents a different story line for the broadcasted program and each content segment has associated segment information within said content information [Specification, page 5, line 29 - page 6, line 6]. Independent claim 1 further claims receiving, at a selection device, a selection input command selecting the one of said content files from said interactive list [Specification, Figure 5, block 510, page 11, lines 10-13]. Independent claim 1 additionally claims retrieving, at the selection device, a detailed profile of said user and said content information associated with said selected content file [Specification, Figure 5, block 520, page 11, lines 14-18]. Independent claim 1 also claims selecting, at the selection device, a

play sequence of said selected content file based on said detailed profile and said content information [Specification, Figure 5, block 550, page 11, line 22 - page 12, line 2]. In addition, independent claim 1 claims presenting, at the selection device, said play sequence to said user [Specification, Figure 5, block 575, page 12, lines 16-21]. Independent claim 1 also claims modifying, at the selection device, said play sequence and associated story line of the broadcasted program corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence [Specification, Figure 5, block 590, page 12, line 26 - page 13, line 5, page 5, line 29 - page 6, line 6].

Independent apparatus claim 12 claims a control module to generate an interactive list of content files for presentation to a user based on a profile of said user [Specification, Figure 4, state 406, page 8, lines 20-24]. In addition, independent claim 12 claims that each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file [Specification, Figure 2, page 5, line 29 - page 6, line 6, page 5, lines 14-20]. Furthermore, independent claim 12 claims that each of the plurality of play sequences represents a different story for the broadcasted program and each content segment has associated segment information within said content information [Specification, page 5, line 29 - page 6, line 6]. Independent claim 12 also claims that the control module is to receive a selection input command selecting the one of said content files from said interactive list [Specification, Figure 5, block 510, page 11, lines 10-13]. Independent claim 12 additionally claims that the visual segment excludes an entire area of the base image occupied by the dynamic object representation and includes a part of the multi-chromatic background [Specification, Figure 5, block 520, page 11, lines 14-18]. Independent claim 12 further claims that the control module is to retrieve a detailed profile of a user and said content information associated with a selected content file, and to select a play sequence of said selected content file based on said detailed profile and said content information [Specification, Figure 5, block 550, page 11, line 22 - page 12, line 2]. In addition, independent claim 12 claims a presentation module to present said play sequence to said user [Specification, Figure 5, block 575, page 12, lines 16-21].

Furthermore, independent claim 12 claims that the control module is to modify play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence [Specification, Figure 5, block 590, page 12, line 26 - page 13, line 5, page 5, line 29 - page 6, line 6].

Independent computer readable storage medium claim 28 claims a computer readable storage medium containing executable instructions which, when executed in a processing system, cause the system to perform a method [Specification, page 13, lines 13-23]. Independent claim 28 also claims generating an interactive list of content files for presentation to a user based on a profile of said user [Specification, Figure 4, state 406, page 8, lines 20-24]. In addition, independent claim 28 claims that each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the content file [Specification, Figure 2, page 5, line 29 - page 6, line 6, page 5, lines 14-20]. Furthermore, independent claim 28 claims that each of the plurality of play sequences represents a different story line for the broadcasted program and each content segment has associated segment information within said content information [Specification, page 5, line 29 - page 6, line 6]. Independent claim 28 further claims receiving a selection input command selecting the one of said content files from said interactive list [Specification, Figure 5, block 510, page 11, lines 10-13]. Independent claim 28 additionally claims retrieving a detailed profile of a user and said content information associated with said selected content file, the selected content file corresponding to a broadcast program [Specification, Figure 5, block 520, page 11, lines 14-18]. Independent claim 28 also claims selecting a play sequence of said selected content file based on said detailed profile and said content information [Specification, Figure 5, block 550, page 11, line 22 - page 12, line 2]. In addition, independent claim 28 claims presenting said play sequence to said user [Specification, Figure 5, block 575, page 12, lines 16-21]. Independent claim 28 also claims modifying said play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence [Specification, Figure 5, block 590, page 12, line 26 - page 13, line 5, page 5, line 29 - page 6, line 6].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I.   Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 stand rejected under 35 U.S.C. § 102(e) as being rendered obvious by as being unpatentable over Ismail, et al., U.S. Patent Publication No. 2006/0212900.

VII. ARGUMENTS

I.   Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 are Patentable under 35 U.S.C. § 102(e) over Ismail, because Ismail does not teach each and every element of the invention as claimed in claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38.

A. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 stand or fall together. Independent claim 1 is the representative claim.

Ismail discloses a television set-top box that creates a viewer preference profile based on a viewer's viewing history. The set-top box selects various video segments to create customized video programs for delivery to the viewer as a linear program. Furthermore, Ismail discloses that the user can customize their profile, specify an advertising preference or switch channels. In addition, Ismail discloses that the set-top box can receive alternate scene for a television program and selects those alternate scenes based on the viewer preference profile.

In independent claim 1, Appellant claims modifying a selected play sequence and associated story line of a broadcasted program corresponding to a selected content to switch to a different story line of that broadcasted program if further selection input is received from a user in response to presenting said play sequence. The sections of Ismail cited by the Examiner as disclosing this claim element discloses that the set-top box receives and selects alternate scene for a program based on the viewer preference profile. Thus, Applicant respectfully submits that, Ismail discloses only that the system selects alternate scenes for a program but not that a user that selects an alternate scene in response to viewing that program. Therefore, Applicant respectfully submits that this section of Ismail cannot be properly interpreted as teaching or suggesting modifying a current play sequence based on user input in response to presenting the play sequence as

claimed. Furthermore, Applicant respectfully submits that there is no other section of Ismail that teaches or suggests this claim element.

Therefore, because Ismail does not teach or suggest the claimed element discussed above, Appellant respectfully submits that Ismail does not teach or suggest all the elements of claim 1. Accordingly, Appellant respectfully submits that Ismail cannot properly be interpreted as anticipating Appellant's independent claim 1.

VIII. CONCLUSION

Appellant's claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 are patentable because Ismail does not teach or suggest all the elements of the claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38. Accordingly, Appellant respectfully requests the Board reverse the rejections of claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 under 35 U.S.C. § 103(a), and direct the Examiner to enter a Notice of Allowance for claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38.

Fee for Filing a Brief in Support of Appeal

Authorization is hereby given to charge our Deposit Account No. 02-2666 in the amount of $540.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: <u>December 7, 20</u>10

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CLAIMS APPENDIX

1. (Previously Presented) A computerized method comprising:

      generating an interactive list of content files for presentation to a user based on a profile of said user, wherein each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file and wherein each of the plurality of play sequences represents a different story line for the broadcasted program and each content segment has associated segment information within said content information;

      receiving, at a selection device, a selection input command selecting the one of said content files from said interactive list;

      retrieving, at the selection device, a detailed profile of said user and said content information associated with said selected content file;

      selecting, at the selection device, a play sequence of said selected content file based on said detailed profile and said content information;

      presenting, at the selection device, said play sequence to said user; and

      modifying, at the selection device, said play sequence and associated story line of the broadcasted program corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence.

2. (Original) The method according to claim 1, further comprising:

      receiving an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file;

      selecting a modified play sequence of said selected content file based on said explicit input command; and

      presenting said modified play sequence to said user.

3. (Cancelled)

4. (Original) The method according to claim 1, wherein said selected content file further comprises audio/video data.

5. (Original) The method according to claim 1, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

6. (Cancelled)

7. (Previously Presented) The method according to claim 1, wherein said selecting further comprises:

processing said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile; and

selecting a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

8. (Original) The method according to claim 2, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises said predetermined number of content segments in a modified order requested by said explicit input command.

9. (Previously Presented) The method according to claim 1, further comprising:

selecting advertising material based on said detailed profile of said user; and

presenting said advertising material to said user together with said play sequence of said selected content file.

10. (Original) The method according to claim 2, wherein said explicit input command further requests presentation of at least one advertisement to said user.

11. (Original) The method according to claim 10, further comprising:

selecting said at least one advertisement based on said explicit input command; and

presenting said at least one advertisement to said user.

12. (Previously Presented) An apparatus comprising:

a control module to generate an interactive list of content files for presentation to a user based on a profile of said user, wherein each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file and wherein each of the plurality of play sequences represents a different story for the broadcasted program and each content segment has associated segment information within said content information, to receive a selection input command selecting the one of said content files from said interactive list, to retrieve a detailed profile of a user and said content information associated with a selected content file, and to select a play sequence of said selected content file based on said detailed profile and said content information,; and

a presentation module to present said play sequence to said user, wherein said control module modifies said play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence.

13. (Previously Presented) The apparatus according to claim 12, further comprising a storage module to store said detailed profile of said user and a plurality of content files including said selected content file.

14. (Original) The apparatus according to claim 12, wherein said control module further receives an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file, and further selects a modified play sequence of said selected content file based on said explicit input command.

15. (Original) The apparatus according to claim 14, wherein said presentation module further presents said modified play sequence to said user.

16. (Original) The apparatus according to claim 13, wherein said control module further retrieves said detailed profile of said user and said plurality of content files from said storage module and selects at least one content file of said plurality of content files based on said detailed profile of said user.

17. (Cancelled)

18. (Original) The apparatus according to claim 12, wherein said selected content file further comprises audio/video data.

19. (Original) The apparatus according to claim 12, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

20. (Cancelled)

21. (Previously Presented) The apparatus according to claim 12, wherein said control module further processes said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile, and selects a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

22. (Original) The apparatus according to claim 14, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises said predetermined number of content segments in a modified order requested by said explicit input command.

23. (Previously Presented) The apparatus according to claim 12, wherein said control module further selects advertising material based on said detailed profile of said user and said presentation module further presents said advertising material to said user together with said play sequence of said selected content file.

24. (Previously Presented) The apparatus according to claim 13, wherein said detailed profile of said user is stored in a profile storage area of said storage module.

25. (Original) The apparatus according to claim 13, wherein said plurality of content files is stored in a content storage area of said storage module.

26. (Original) The apparatus according to claim 14, wherein said explicit input command further requests presentation of at least one advertisement to said user.

27. (Original) The apparatus according to claim 26, wherein said control module further selects said at least one advertisement based on said explicit input command and said presentation module further presents said at least one advertisement to said user.

28. (Previously Presented) A computer readable storage medium containing executable instructions which, when executed in a processing system, cause the system to perform a method comprising:

    generating an interactive list of content files for presentation to a user based on a profile of said user, wherein each of said content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the content file and wherein each of the plurality of play sequences represents a different story line for the broadcasted program and each content segment has associated segment information within said content information;

    receiving a selection input command selecting the one of said content files from said interactive list;

    retrieving a detailed profile of a user and said content information associated with said selected content file, the selected content file corresponding to a broadcast program;

selecting a play sequence of said selected content file based on said detailed profile and said content information;

presenting said play sequence to said user; and

modifying said play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcasted program if further selection input is received from said user in response to presenting said play sequence.

29. (Previously Presented) The computer readable storage medium according to claim 28, wherein the method further comprises:

receiving an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file;

selecting a modified play sequence of said selected content file based on said explicit input command; and

presenting said modified play sequence to said user.

30. (Cancelled)

31. (Previously Presented) The computer readable storage medium according to claim 28, wherein said selected content file further comprises audio/video data.

32. (Previously Presented) The computer readable storage medium according to claim 28, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

33. (Cancelled)

34. (Previously Presented) The computer readable storage medium according to claim 28, wherein said selecting further comprises:

processing said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile; and

selecting a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

35. (Previously Presented) The computer readable storage medium according to claim 29, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises said predetermined number of content segments in a modified order requested by said explicit input command.

36. (Previously Presented) The computer readable storage medium according to claim 28, wherein the method further comprises:
selecting advertising material based on said detailed profile of said user; and
presenting said advertising material to said user together with said play sequence of said selected content file.

37. (Previously Presented) The computer readable storage medium according to claim 29, wherein said explicit input command further requests presentation of at least one advertisement to said user.

38. (Previously Presented) The computer readable storage medium according to claim 37, wherein the method further comprises:
selecting said at least one advertisement based on said explicit input command; and
presenting said at least one advertisement to said user.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

NONE